

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on December 20, 2007. Defendant Allen Kinney appeared in person and with retained counsel, Donald Williams. The United States of America appeared by Assistant United States Attorney Paul Becker.

I. BACKGROUND

On October 2, 2007, an indictment was returned charging defendant with one count of manufacturing marijuana, in violation of 21 U.S.C. §§ 841(a) and (b)(1)(B), one count of possessing firearms after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) , and one count of criminal forfeiture pursuant to 21 U.S.C. § 853.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Becker announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Tiffany Davis, Kansas City, Missouri

Police Department.

Mr. Williams announced that he will be the trial counsel for defendant Allen Kinney.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the district judge a motion to suppress evidence, filed by defendant on October 22, 2007 (document number 25). A Report and Recommendation was filed on November 29, 2007 (document number 35).

IV. TRIAL WITNESSES

Mr. Becker announced that the government intends to call 10 witnesses without stipulations or 7 witnesses with stipulations during the trial.

Mr. Williams announced that defendant Allen Kinney intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Becker announced that the government will offer approximately 50 exhibits in evidence during the trial.

Mr. Williams announced that defendant Allen Kinney will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Williams announced that defendant Allen Kinney will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Williams stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's reports, prior felony

conviction, and interstate nexus of the firearms.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 1/2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by December 20, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, January 2, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, January 2, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on January 7, 2008.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
December 20, 2007

cc: The Honorable Dean Whipple
Mr. Paul Becker
Mr. Donald Williams
Mr. Jeff Burkholder